

REMARKS

Claims 1-18, 20-37, and 51 constitute the pending claims in the present application. Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the prior Office Action.

1-3. Applicants note with appreciation that the amendments filed August 3, 2005 have been entered.

4. Applicants note with appreciation that the rejection of claims 1-18, 20-31, and 32-37 under 35 U.S.C. 101 has been withdrawn.

5. Applicants note with appreciation that the rejection of claims 1-6, 20-21, 26, 34, and 36 under 35 U.S.C. 102(b) has been withdrawn.

6. Claims 1-18, 20-37, and 51 are currently under consideration.

7. Claims 32-33 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement. Applicants traverse this rejection to the extent it is maintained in light of the amended claims.

Applicants reiterate the arguments of record. As previously stated, the primary purpose of expressing the CAB domain constructs of the invention is not necessarily for making animal models of disease. Rather, expression is useful for constructing molecular switches. Nevertheless, to expedite prosecution, Applicants have amended the claims to more particularly point out that the claimed animal is a mouse (i.e., an adult mouse, a juvenile mouse, or a mouse embryo). Applicants' amendment is made solely to expedite prosecution and is not in acquiescence to the rejection. Applicants reserve the right to prosecute claims of similar or differing scope. In light of Applicants' amendments, reconsideration and withdrawal of this rejection is requested.

8. Claims 26-31 are rejected under 35 U.S.C. 112, first paragraph, for allegedly failing to enable one of skill in the art to practice the claimed invention. Applicants traverse this rejection to the extent it is maintained in light of the amended claims.

Applicants maintain the arguments of record and contend that the claims are enabled throughout their scope. The Examiner has presented no evidence or reasoning to cast doubt on the enablement of the claimed invention. Nevertheless, to expedite prosecution, Applicants have amended the claims to more particularly point out the claimed subject matter. Specifically, Applicants have amended the claims, as suggested by the Examiner, to point out that the cell is “an isolated host cell.” Applicants’ amendments are not in acquiescence to the rejection. Applicants reserve the right to prosecute claims of similar or differing scope. Given that the Examiner indicated that incorporation of this claim limitation would “render this rejection moot” (*See*, page 7 of Office Action), Applicants respectfully request reconsideration and withdrawal of this rejection.

9. Claims 26, 27, 34, 35, 36, and 37 are rejected under 35 U.S.C. 112, first paragraph, for allegedly failing to comply with the enablement requirement. Applicants traverse this rejection to the extent it is maintained in light of the amended claims.

Applicants maintain the arguments of record and contend that the claims are enabled throughout their scope. Nevertheless, to expedite prosecution, Applicants have amended the claims to more particularly point out the claimed subject matter. Specifically, Applicants have amended the claims, as suggested by the Examiner, to point out that the claimed cells are isolated cells and that the claimed methods are in vitro methods. Applicants’ amendments are not in acquiescence to the rejection. Applicants reserve the right to prosecute claims of similar or differing scope. In light of Applicants’ amendments, reconsideration and withdrawal of this rejection is respectfully requested.

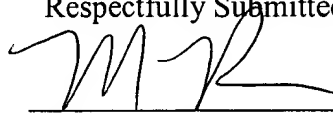
10. Applicants note that the prior Office Action did not contain any rejections advanced against claims 1-18 or 20-25. Accordingly, claims 1-18 and 20-25 appear in condition for allowance. Additionally, Applicants submit that the arguments and amendments provided in this response place the remaining claims (26-37 and 51) in condition for allowance.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945, under Order No. APBI-P01-385.**

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Respectfully Submitted,



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